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From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C.20231
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year)

17 November 1999 (17.11.99)

International application No.

PCT/US99/05315

Applicant's or agent's file reference

7042R/VJ

International filing date (day/month/year)

11 March 1999 (11.03.99)

Priority date (day/month/year)

12 March 1998 (12.03.98)

Applicant

ROURKE, Francis, James et al

1. The designated Office is hereby notified of its election made:



in the demand filed with the International Preliminary Examining Authority on:

27 September 1999 (27.09.99)

in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

S. De Michiel

Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 7042R/VJ	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 99/ 05315	International filing date (day/month/year) 11/03/1999	(Earliest) Priority Date (day/month/year) 12/03/1998
Applicant THE PROCTER & GAMBLE COMPANY et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 2 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.



as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.

1



None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

US 99/05315

A. CLASSIFICATION OF SUBJECT MATTER
IPC 6 A61L15/44

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 A61L

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT.

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 97 38735 A (ENVIRODERM PHARMACEUTICALS INC) 23 October 1997 (1997-10-23) page 1, line 19 - line 30 page 8, line 21 - line 32 claims 1,2 -----	1-7, 10, 11, 13-16, 19, 20

☐ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

12 August 1999

Date of mailing of the international search report

20/08/1999

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Heck, G

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

/US 99/05315

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
W0 9738735 A	23-10-1997	US 5869033 A AU 2610197 A EP 0914167 A	09-02-1999 07-11-1997 12-05-1999
<hr/>			

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference 7042R/VJ	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US99/05315	International filing date (day/month/year) 11/03/1999	Priority date (day/month/year) 12/03/1998
International Patent Classification (IPC) or national classification and IPC A61L15/44		
Applicant THE PROCTER & GAMBLE COMPANY et al.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.
 - ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 27/09/1999	Date of completion of this report 06.03.2000
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Heller, D Telephone No. +49 89 2399 8746 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US99/05315

I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

Description, pages:

1-64 as originally filed

Claims, No.:

1-20 as originally filed

Drawings, sheets:

1/2-2/2 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
☒ claims Nos. 12-15, 20.

because:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US99/05315

- ☒ the said international application, or the said claims Nos. 12-15, 20 relate to the following subject matter which does not require an international preliminary examination (*specify*):

see separate sheet

- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☐ no international search report has been established for the said claims Nos. .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-20
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-20
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	see sections III and V
	No:	Claims	

2. Citations and explanations

see separate sheet

SECTION III:

Claims 12 to 15 and 20 relate to subject-matter considered by this Authority to be covered by the provisions of Rule 67.1(iv) PCT. Consequently, no opinion will be formulated with respect to the industrial applicability of the subject-matter of these claims (Article 34(4)(a)(i) PCT).

SECTION V:

Prior art

Reference is made to the following document:

D1 (WO 97 38735 A) relates to methods of prevention of skin irritation such as diaper rash and more particularly to prevention and treatment of diaper rash caused by fecal enzymes (page 1, ll. 8 to 11). Therefore, D1 provides a composition for application to the skin that can prevent contact dermatitis due to proteolytic enzymes such as those present in feces (page 2, ll. 30 to 32).

The irritating effects of fecal proteolytic enzymes are alleviated by contacting the enzymes with materials that inactivate the enzymes by adsorbing them or rendering them incapable of performing their native proteolytic activity. In particular, it has been found that organophilic clays can adsorb fecal enzymes, thereby preventing them from contacting the skin, and also inactivate such enzymes, thereby rendering them incapable of causing irritation to the skin (page 3, ll. 14 to 22).

Novelty

The subject-matter of claims 1 to 20 is new in the sense of Article 33 (2) PCT.

As D1 describes an absorbent article which absorbs the fecal proteolytic enzymes, it does not anticipate novelty of present claims 1 to 20 which are directed to the inhibition of such fecal proteolytic enzymes.

Inventive step

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US99/05315

The subject-matter of claims 1 to 20 involves an inventive step in the sense of Article 33 (3) PCT.

D1 differs from the present invention in that the absorbent article absorbs the fecal proteolytic enzymes.

The problem to be solved can be described as how to provide further absorbent articles preventing from proteolytic enzymes.

The present application solves the problem in that the absorbent article comprises a (chemical) inhibitor of such fecal proteolytic enzymes. As the claimed principle differs from the prior art, present claims are inventive over D1.

Industrial applicability

For the assessment of the present claims 12 to 15 and 20 on the question whether they are industrially applicable, no unified criteria exist in the PCT Contracting States. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.

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